

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

United States

v.

Case No. 08-cr-84-01-SM

Rutilio Chavez Deleon

ORDER

Re: Document No. 51, Motion for Reconsideration of Order on Motion for Judgment

Ruling: Granted. Defendant points out that dismissal of redacted Count III did not affect his renewed motion for judgment of acquittal related to redacted counts I and II, and the motion as to those counts is not moot. Having reconsidered the matter, the renewed motion for judgment of acquittal (documents 37 and 39) is denied. The evidence presented at trial, viewed in the light favorable to the jury's verdicts on those counts, was more than sufficient to support convictions. The jury could easily have concluded beyond a reasonable doubt that defendant falsely represented a social security number issued by the Commissioner to Roberto Guerrero (having been fraudulently induced to do so by the defendant) and not to defendant, as one having been issued to defendant (posing as Roberto Guerrero), when it had not been. In addition, the evidence was sufficient to support the jury's conclusion that defendant made a series of false material statements in attempting to acquire a United States Passport, including falsely stating his name, date of birth, and place of birth.


Steven J. McAuliffe
Chief Judge

Date: June 18, 2009

cc: Alfred Rubega, AUSA
Jeffrey Levin, Esq.